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10/599,402	09/28/2006	Alon Cohen	1582/8	6585

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EXAMINER	
WILLIS, JONATHAN U	

ART UNIT	PAPER NUMBER
2441	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/599,402	COHEN, ALON	
	Examiner	Art Unit	
	JONATHAN WILLIS	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/14/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Application 10/599,402 filed on 09/28/2006. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 112

2. Claims 5, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what applicant is claiming by using the term **includes** in "one pseudo server **includes** at least two pseudo servers."

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-13 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular

machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

5. Claims 1-6 claim an apparatus but do not define any use of the apparatus. With no defined use for the apparatus, there is no transformation claimed.

6. Claims 7-13 claim a network system, but do not define any use for the network system. With no defined use for the system, there is no transformation claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-11, and 14-18 are rejected under 35 U.S.C. 102(b) as being unpatentable by US 2003/0050974 A1 to Mani-Meitav et al. (hereinafter referred to as Mani).

8. In regard to claim 1, **Mani** teaches a data access engine (*see Shared Storage/Storage Area Network/SAN,* **in Fig. 3 [5]**), said data access engine (*see shared storage,* **in Fig. 3 [5]**) located in a first data processing machine (*e.g. "the shared storage is shown to include one or more SCSI disks"* **in [0104] Lines 4-5**) and capable of communication (*see communication to ORA by DACL communication Link*, **in Fig. 4 [5] [20]**, *e.g. "The object data read from the SAN 5 is returned to the user 1 through the direct access communication link DACL,"* **in [0100] Lines 1-3**) with at least one pseudo server (*see "object response accelerator/ORA,"* **in Fig. 3 [4]**) located in a second data processing machine (*see ORA located in computer*, **in Fig. 4 [4a]**, *e.g. "Since the ORA 4a is in fact an autonomous computer,"* **in [0102] Lines 1-2**);

wherein a request for a subset of data stored in the data access engine (*e.g. "A user request…to the SAN is converted to access requests in the physical storage location of the required object,"* **in [0090] Lines 9-12**) must be routed through said at least one pseudo server (*e.g. "The ORA receiving each request from each user for the purpose of making a response-routing decision,"* **in [0013] Lines 10-12**).

9. In regard to claim 2, **Mani** teaches the data access engine of claim 1 (*see shared storage,* **in Fig. 3 [5]**), wherein said second data processing machine (*see "object response accelerator/ORA,"* **in Fig. 3 [4]**) resides within a LAN (*e.g. "The ORA 4c and the server 3 are both connected to the same Local Area Network (LAN),"* **in [0108] Lines 1-2**) in which the data access engine resides (*see shared storage coupled inside LAN,* **in Fig. 3 [5]**).

10 In regard to claim 3, **Mani** teaches the data access engine of claim 1 (*see shared storage,* **in Fig. 3 [5]**), wherein said second data processing machine resides outside of a LAN (*e.g. "numerous and other arrangements can be readily devised…such as, for example, using a WAN for Internet connectivity,"* **in [0183] Lines 8-11**) in which the data access engine resides (*see shared storage coupled inside LAN,* **in Fig. 3 [5]**).

11 In regard to claim 4, **Mani** teaches the data access engine of claim 1 (*see shared storage,* **in Fig. 3 [5]**), wherein said communication (*see communication to ORA by DACL communication Link*, **in Fig. 4 [5] [20])** occurs across a content filtering device (*e.g. "a system wherein detecting presence of at one least one condition includes a type decision filter applied to the user request for detecting presence of a first condition out of the at least one condition,"* **in [0041] Lines 2-4**) deployed between the data access engine and said pseudo server (*see RQR between ORA and SAN,"* **in Fig, 6 [5] [9] [300]**).

12 In regard to claim 5, **Mani** teaches the data access engine of claim 1 (*see shared storage,* **in Fig. 3 [5]**), wherein said at least one pseudo server (*see "object response accelerator/ORA,"* **in Fig. 3 [4]**) includes at least two pseudo servers (*see inherent plurality or ORA'S coupled between the clients and servers, e.g. "To keep the explanations simple, reference will from now on be made to a single user 1, or client 1, and to a single server 3, instead of a plurality of both the former and the latter,"* **in [0076]**).

13 Claims 7-11 are corresponding system claims of apparatus claims 1-5; therefore, they are rejected under the same rational.

14 Claims 14-18 are corresponding method claims of apparatus claims 1-5; therefore, they are rejected under the same rational.

Claim Rejections - 35 USC § 103

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16 Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani, further in view of US 6,356,941 B1 to Cohen.

17 In regard to claim 6, **Mani** teaches the data access engine of claim 1 (*see shared storage,* **in Fig. 3 [5]**), and retrieval of data by the data access engine (*e.g. "accelerate retrieval of information stored on servers, thus of responses saved in storage,"* **in [0011]**), but

Mani does not teach wherein the retrieval of the data by the data access engine is further restricted by network vaults as claimed.

However, **Cohen** teaches the retrieval of the data by the data access engine is further restricted by network vaults (*e.g. "secure data storage, exchange and/or sharing through a protected central storage facility, containing at least one "network vault" to which access is controlled through a single data access channel,"* **in Abstract**).

Therefore, it would have been obvious to one of ordinary skill in the shared storage art to combine the feature of restricting the retrieval of the data access engine by using "network vaults" as disclosed in **Cohen**, into the teachings of **Mani**, since both reference are directed toward a shared storage facility, hence would be considered to be analogous based on their related fields of endeavor.

One would have been motivated to do so to add the additional element of security to the shared storage facility (*e.g. "The network vault is similar to a physical safe, in that substantially any type of information can be stored in the network vault, and in that the user need only place the information inside the network vault for the information to be secured,"* **from Cohen in Abstract**).

18. Claim 12 is a corresponding system claim of apparatus claims 6; therefore, it is rejected under the same rational.

19. Claim 19 is a corresponding method claim of apparatus claim 6; therefore, it is rejected under the same rational.

20. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani, further in view of US 5,642,515 to Jones et al. (hereinafter referred to as Jones).

21. In regard to claim 13, **Mani** teaches the computerized network of claim 7 (*e.g. "Local Area Network (LAN),"* **in [0108] Line 2**), wherein a request received by said at lead one pseudo server (*e.g. "The ORA receiving each request from each user for the purpose of making a response-routing decision,"* **in [0013] Lines 10-11**), and a LAN in which said second data processing machine resides (*e.g. "The ORA 4c and the server 3 are both connected to the same Local Area Network (LAN),"* **in [0108] Lines 1-2**), but

Mani doe not teach that the request must originate within a LAN as claimed.

However, **Jones** teaches the request (*e.g. "client requests a connection or access to a resource"* **in Col. 2, Lines 42-43**) must originate within a LAN (*see clients connected to server by LAN,* **in Fig. 1 [13]**).

Therefore, it would have been obvious to one of ordinary skill in the shared storage art to combine the feature of only allowing clients in a LAN to make request as disclosed in **Jones**, into the teachings of **Mani**, since both reference are directed toward a shared storage facility, hence would be considered to be analogous based on their related fields of endeavor.

One would have been motivated to do so to provide additional security to the shared storage and to prevent unauthorized users from gaining access to the shared storage (*e.g. "The client need not send a separate session establishment request for the remote computer. The remote computer then accepts or rejects the session*

establishment request based on security information stored in the remote computer for this client," **from Jones in Col. 2, Lines 55-59**).

22. Claim 20 is a corresponding method claim of system claim 13; therefore, it is rejected under the same rational.

Conclusion

23. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 2003/0005080 A1 to Watkins et al.

US 2002/0184403 A1 to Dahlin et al.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN WILLIS whose telephone number is (571)270-7467. The examiner can normally be reached on 8:00 A.M. - 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JONATHAN WILLIS/
Examiner, Art Unit 2441

/Quang N. Nguyen/
Primary Examiner, Art Unit 2441